



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

Agency: Department of Agriculture

Title of rule and other identifying information: (Describe Subject)

WAC 16-301-005 General seed standards – Definitions

## NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Dannie McQueen  
Agency: Washington State Department of Agriculture  
Address: P.O. Box 42560  
Olympia, WA 98504  
Fax: (360) 902-2092  
E-mail: dmcqueen@agr.wa.gov

AND RECEIVED BY July 14, 2006

*August 7, 2006 dh*

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to use the expedited rule making process to amend the definition of a seed as listed in WAC to be the definition recognized as that of a true seed. This proposal will align the definition in WAC with the definition in the statute.

Reasons supporting proposal:

RCW 15.49 is explicit in that the authority promulgated there under applies to the production, certification, and sales of true seed. The current definition in WAC includes all types of propagative materials. This definition is not supported by the governing statute and should be edited to be unambiguous so that it is referring to a true seed and not any other types of propagative materials.

Statutory authority for adoption: Chapter 15.49 RCW and Chapter 34.05 RCW

Statute being implemented: RCW 15.49.005

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE 6-7-06

NAME (TYPE OR PRINT)

Robert W. Gore

SIGNATURE

TITLE

Deputy Director

## CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
JUN 7 2006	
TIME	1014
WSR	06-12-118
	AM PM

**Name of proponent:** (person or organization) Washington State Department of Agriculture

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Victor Shaul – Operations Manager	Yakima	(509) 225-2630
Implementation.	Victor Shaul – Operations Manager	Yakima	(509) 225-2630
Enforcement.....	Fawad Shah – Program Manger	Yakima	(509) 225-2636

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

AMENDATORY SECTION (Amending WSR 03-18-072, filed 8/29/03, effective 9/29/03)

**WAC 16-301-005 General seed standards--Definitions.**  
Definitions for terms used in this chapter and in chapters 16-302 and 16-303 WAC may be found in chapter 15.49 RCW, seed. For the purposes of these chapters, the following definitions shall apply unless otherwise provided for in law or rule:

**"Agricultural seed"** as defined in RCW 15.49.011(2) includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

**"AOSA"** means the Association of Official Seed Analysts.

**"AOSCA"** means the Association of Official Seed Certifying Agencies.

**"Approved trial grounds"** means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

**"Arbitration committee"** means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

**"Bean"** means common beans and adzuki beans.

**"Blend"** as defined in RCW 15.49.011(3) means seed consisting of more than one variety of a species, each in excess of five percent by weight of the whole.

**"Blending"** as related to this chapter shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

**"Buyer"** means a person who purchases seeds.

**"Chairperson"** means the person selected by the arbitration committee from among their numbers to preside.

**"Certifying agency"** as defined in RCW 15.49.011(5) means:

(a) An agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

**"Common bean"** means *Phaseolus vulgaris* L.

**"Complete record"** means information which relates to the origin, treatment, germination and purity (including variety) of each lot of seed. Records include seed samples and records of

declaration, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests and examinations.

**"Dealer"** as defined in RCW 15.49.011(7) means any person who distributes seeds.

**"Department"** as defined in RCW 15.49.011(8) means the Washington state department of agriculture or its duly authorized representative.

**"Director"** as defined in RCW 15.49.011(9) means the director of the department of agriculture.

**"Field standards"** means the tolerances permitted as determined by established field inspection procedures.

**"Fiscal year"** means the twelve-month period July 1 through June 30.

**"Flower seeds"** as defined in RCW 15.49.011(11) include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

**"Germination"** as defined in RCW 15.49.011(13) means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

**"Interagency certification"** means the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

**"Isolation standards"** means the distance in feet from any contaminating source (i.e., distance from other fields of same species).

**"Label"** as defined in RCW 15.49.011(18) includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and may include other information including the requirement for arbitration.

**"Land standards"** means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

**"Mixture, mixed or mix"** as defined in RCW 15.49.011(22) means seed consisting of more than one species, each in excess of five percent by weight of the whole.

**"Nursery"** means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacing to facilitate roguing.

**"O.E.C.D."** means the Organization for Economic Cooperation and Development certification scheme.

**"Off-type"** means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

**"Official certificate"** means a document issued by an official testing agency including but not limited to seed certification

tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

**"Official sample"** as defined in RCW 15.49.011(23) means any sample taken and designated as official by the department.

**"Official seed laboratory"** means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 21 N 1st Avenue, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon. This definition is to include any laboratory that has an accreditation process in place.

**"Origin"** means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

**"Person"** as defined in RCW 15.49.011(26) means an individual, partnership, corporation, company, association, receiver, trustee or agent.

**"Proprietary variety"** means that crop variety for which a person has exclusive production and/or marketing rights.

**"Representative sample"** means a sample drawn in accordance with sampling procedures adopted in WAC 16-301-095.

**"Seeds"** as defined in RCW 15.49.011(33) means agricultural or vegetable seeds, or other seeds as determined by rules adopted by the department. ~~((The word seed or seeds as used in this chapter shall include all propagating materials.))~~

**"Seed labeling permit"** means a permit issued by the department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

**"Seed program advisory committee"** means a committee of representatives from the small grains, pea, lentil, bean, vegetable, small seeded legumes, and grass seed industries selected by the program manager in consultation with the industry.

**"Seed standards"** means the tolerances permitted as determined by established seed inspection procedures.

**"Serology"** means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry viruses.

**"Stock seed"** means breeders, prebasic, or like initial generation of seed.

**"Sudangrass"** means *Sorghum bicolor x drummondii*.

**"University"** means the Washington State University.

**"USDA"** means the United States Department of Agriculture.

**"Vegetable seeds"** as defined in RCW 15.49.011(38) include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

**"WSCIA"** means the Washington State Crop Improvement Association.